

A RESOLUTION

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A RESOLUTION AUTHORIZING THE MAYOR TO NEGOTIATE A FRANCHISE AGREEMENT WITH CITYNET TELECOMMUNICATIONS, INC., FOR THE PROVISION OF TELECOMMUNICATIONS INFRASTRUCTURE USING PUBLIC SEWERS; AND FOR OTHER PURPOSES.

WHEREAS, CityNet Telecommunications, Inc. ("CityNet") has applied for a franchise to construct telecommunications broadband infrastructure in the sewer system of the City of Atlanta;

WHEREAS, CityNet proposes to install, maintain and operate an underground telecommunications infrastructure using existing public sewers and, in turn, avoid the need for repeated construction in the public right-of-way for this purpose; and

WHEREAS, the City has determined that CityNet's proposal is governed by the comprehensive ordinance enacted by the City which governs the use of its right-of-way, pursuant to the federal Telecommunications Act, providing access to its right-of-way, on a non-discriminatory basis; and

WHEREAS, CityNet seeks to negotiate a franchise agreement with the City which provides such access and preserves the rights of the City;

NOW, THEREFORE THE CITY COUNCIL OF THE CITY OF ATLANTA, GEORGIA HEREBY RESOLVED:

Section 1: That the Mayor be and is hereby authorized to negotiate a franchise agreement with CityNet Telecommunications, Inc. for use of the public sewer system for the purpose of installing, maintaining and operating telecommunications infrastructure.

Section 2: That said negotiated franchise agreement shall be presented to the City Council of the City of Atlanta as an attachment to a franchise ordinance for consideration and adoption.

F-4